



CID-NY

Center for Independence of the Disabled, NY

OUR MISSION

The Center for Independence of the Disabled, New York's (CIDNY) goal is to ensure *full integration, independence and equal opportunity* for all people with disabilities by removing barriers to the social, economic, cultural and civic life of the community.



Does Emergency Planning Matter for People with Disabilities?

“Disaster preparedness and emergency response systems are typically *designed for people without disabilities*, for whom escape or rescue involves walking, running, driving, seeing, hearing, and quickly responding to instructions, alerts, and evacuation announcements.” (i)

(i) National Council on Disability.



Who are people with disabilities in New York City?

In New York City, there are 806,030 non-institutionalized people with disabilities.

166,347 with a hearing difficulty;

156,118 with a vision difficulty;

296,391 with a cognitive difficulty;

499,870 with an ambulatory difficulty;

192,532 with a self-care difficulty;

328,979 with an independent living difficulty.

116,000 people with disabilities live in Hurricane "Zone A."

*According to the 2010 American Community Survey (ACS)



Our “Lessons Learned” began September 11th

On September 11, 2001, CIDNY became a leading community agency serving people with disabilities affected by 9/11.

We learned that the City did not include people with disabilities in its planning for disasters or recovery.

In 2004, we wrote *Lessons Learned from the World Trade Center Disaster: Emergency Preparedness for People with Disabilities in New York* to bear witness and explain the lessons we had learned from the disaster to policymakers.



12 Years of CIDNY Advocacy for Inclusion

For 12 years, we worked with OEM and other partners:

- ✓ Delivering emergency preparedness *messages*;
- ✓ *Training and recruiting* people with disabilities for the volunteer corps;
- ✓ Preparing “go-bags;”
- ✓ Chairing Office of Emergency Management’s Special Needs Advisory Group;
- ✓ Participating in Voluntary Organizations Active in Disaster NY (VOADNY);
- ✓ *Arguing for inclusion of people with disabilities in the planning process.*



In 2011 – Hurricane/Tropical Storm Irene

- ✓ We reached out to our *900 consumers* in Hurricane Zones to help.
- ✓ We *surveyed shelters* and identified access barriers.
- ✓ We monitored communications and identified problems with access.
- ✓ We heard from people with disabilities about access problems.

We brought all these to the attention of the City during daily calls for agency partners.

The City made no response.



In 2011 CIDNY became a plaintiff in a federal civil rights suit.

In 2011, we came together with other disability organizations and sued the New York City Office of Emergency Management for violating federal civil rights law by failing to include people with disabilities in emergency preparedness and response.



In 2012 Hurricane Sandy Arrived

When Hurricane Sandy approached CIDNY:

- ✓ Contacted our 900 + consumers by phone to offer assistance;
- ✓ Surveyed Shelters/Evacuation Centers;
- ✓ Found the same issues we had seen with 9/11 and Hurricane Irene.



What are our stories? High Rise Evacuation

Melba Torres, who uses a power wheelchair prepared to evacuate. But when the order came there were no accessible buses to take her to a shelter. When power shut down she was *trapped in her 8th floor apartment for 7 days with no power, water or heat*. Because her chair would not charge, she was forced to spend that time in bed.



What are our stories? Transportation for Evacuation

Kenneth Martinez, a wheelchair user, *tried to evacuate* by bus—it was too crowded for him to get on.

Jean Ryan is a paratransit user who was given ½ hour to evacuate by paratransit from the time the evacuation was ordered to the time *paratransit shut down*.



What are our stories? Inaccessible Evacuation Centers/Shelters

Tania Morales, a wheelchair user, was *turned away* from the shelter. The gate to the ramp was locked and no one could find the key.

Shelter staff sent Tania away in the storm.



What are our stories? Power Shutdowns

Joyce Delarosa uses a power chair and lives in public housing. She notified the City and the utility company that she uses an oxygen machine and *needs electricity to survive*. She was told that there is no plan for emergency generators, battery packs, or other supplies. She called the City to get help -- she got no response.

She was *trapped in a high rise with no oxygen for 3 days* when she was finally found and evacuated for emergency medical attention.



What are our stories?

Communications Access and Messages

Mary Connor is blind and lives in an evacuation zone. She received a piece of paper instructing her to evacuate as Hurricane Irene hit. *She couldn't read the paper.* She called the public information line, but couldn't get through to an operator.



CIDNY Evacuation Center and Shelter Surveys

- ✓ The Shelter locator web site is inaccessible to people who use screen readers.
- ✓ Shelter staff are not trained to screen for disabilities in order to provide accommodations and do not know that they are obligated to do so.
- ✓ Shelter materials are not in accessible formats or in low literacy form.
- ✓ ASL interpreters are not available.
- ✓ Shelter entrances are up flights of stairs.
- ✓ Ramps—in the few cases they are available at alternate entrances—are dangerously steep, without sufficient landings, or made of flimsy unsecured plywood.



CIDNY Evacuation Center and Shelter Surveys

- ✓ Doors are heavy and often locked at the accessible entrances.
- ✓ Cots are not accessible and are up/down flights of stairs.
- ✓ Bathrooms are inaccessible and there are no accessible port-a-potties.
- ✓ No refrigeration is available for medications.
- ✓ People who need to charge their equipment are not permitted to use outlets.
- ✓ Shelters are not required to have power backup—critical to equipment users.
- ✓ There is no quiet space for people with cognitive or emotional disabilities to avoid overstimulation.



What does the law require?

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794 et seq.

Title II of the Americans with Disabilities Act, 42 U.S.C. Sections 12131, et seq.

New York City Human Rights Law, NYC Admin Code Section 8-101 et seq.



What does the law require?

The law requires:

“No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

People with disabilities have a right to *meaningful access* to government programs, activities. This means that *reasonable accommodations* must be added to ensure that seemingly neutral rules “do not in practice discriminate.”



What does the U.S. Department of Justice say?

The U.S. Department of Justice concluded in its report to the Court:

“Unfortunately, *despite the obvious importance* of accounting for the unique needs of individuals with disabilities in planning for emergencies, New York City’s emergency plans, *like many state and local emergency plans throughout the nation, fail to do so.*”



CIDNY's Reading of the Federal Court Decision in BCID v. Bloomberg

“Most significantly, the City’s plans are inadequate to ensure that people with disabilities are able to *evacuate* before or during an emergency; they fail to provide sufficiently *accessible shelters*; and they do not sufficiently *inform* people with disabilities of the availability and location of accessible emergency services.”



Decision: General Planning

“*ad hoc* reasonable accommodations . . . are both legally inadequate and practically *unrealistic*” in the context of an emergency preparedness program, the purpose of which “is to anticipate the needs of [the City’s] residents in the event of an emergency and to minimize” the need for improvisation, “particularly when the City’s infrastructure may be substantially compromised or strained by an imminent or ongoing emergency or disaster.”

“NYFD Division Chief Fredrick Villani testified that the FDNY’s Bureau of Operations — the unit responsible for working with OEM ...*does not have a person responsible for ensuring that the Bureau’s plans and policies comply with the ADA...*”

“And James Wahlig, an NYPD Deputy Inspector in the Operations Division — the division responsible for the Police Department’s emergency response...testified that he *did not know if the Police Department had anyone responsible for addressing the needs of people with disabilities in an emergency.*”



Decision: High Rise Evacuation

“There is substantial evidence that *people with disabilities were stuck* in high-rise buildings after the storm.”

“...the City’s *emergency plans fail almost entirely* to address the needs of people with disabilities during evacuation of a multistory building.”

“The City *does not require* most high-rise buildings to maintain emergency evacuation devices for people with *disabilities...Nor does the City have any plan for making these devices available during an emergency...*”



Decision: Transportation

“The record demonstrates that *some people with disabilities were unable to evacuate because of insufficient transportation...*”

“In fact, *the City has no meaningful plan whatsoever* to ensure sufficient accessible transportation to evacuate people with disabilities during an emergency.”

“There is *nothing in the City’s plans to ensure that people with disabilities can rely on paratransit in an emergency...*”

“There are *no surveys* to determine “whether sufficient accessible transportation would be available in the event of an emergency.”

“The *bus drivers were not instructed* to ensure that the buses did not get too full to allow wheelchair users to access them, and no wheelchair users were evacuated in this way.”



Decision: Canvassing

“...the City had *no plan for canvassing after a power outage or other emergency*...without such a plan, although the City was able to marshal substantial resources and reach a large number of people, its efforts were haphazard and belated...”

“the City’s emergency plans do not require that, where possible, the public — or least those who depend on electricity for health, safety, or mobility — be notified in advance of a power outage; ...the *plans do not provide sufficient evacuation assistance* to ensure that during a power outage, people with disabilities can exit their buildings; *nor do they call for canvassing after an emergency, to help ensure that the services provided to people without disabilities may reach those with disabilities who are unable to leave their buildings.*”



Decision: Shelter & Evacuation Center Physical Accessibility

“The evidence at trial demonstrated that many of the City’s shelters and evacuation centers are not fully accessible...”

“A core aspect of the City’s emergency plans is providing shelter...Because people with disabilities often require accessible housing or other accommodations, they may be less likely than those without disabilities to stay with friends, family, or neighbors during a disaster.”

“The City’s Sheltering Plan is silent as to the architectural accessibility of the shelter system.”

“Nor does it provide any guidance to ensure that there are accessible pathways between the shelter entrance, rooms used for sheltering, and the bathroom, or that the particular rooms set up for sheltering...dormitories, used for food service...are themselves accessible.”

“Instructions for shelter operators do not instruct them on how to determine whether there are shelter areas that are accessible...and does not give instructions for determining whether an entrance...is accessible...it is unclear whether shelter operators even use the checklist...”



Decision:

Shelter & Evacuation Center Communications Accessibility

“The sheltering plans, however, *do not mention accessible communication*, let alone provide for accommodations, such as sign language interpreters, or common signage in Braille to ensure that people with disabilities are able to communicate and understand the information provided at shelters.”

“Those who are blind or low vision might require information to be written in Braille or read aloud; those who are deaf may require a sign language interpreter or written communications; people with cognitive disabilities may require that information be presented slowly or in simple language.”



Decision: Shelter & Evacuation Center Programmatic Accessibility

“In addition to ensuring that the shelter facilities are physically accessible, there are *several other accommodations* that may be required to ensure that people with disabilities are able to access sheltering.”

“emergency planning experts emphasize the importance of both *training shelter staff ...*”



Decision: Communications

“Personal preparedness is indisputably an important component of emergency planning. *The information provided by the City, however, fails in several respects to provide people with disabilities sufficient information to prepare for an emergency. For example, the Ready New York guides provide almost no information about the accessibility of the shelter system — and, to the extent they do, the information is incorrect.*”

“Similarly, although the City advises people with special needs to plan for transportation in an emergency, it *does not provide information* about whether accessible transportation will be available or how to access it.”

“As numerous class members testified, *without information* such as which shelters or evacuation centers, if any, are accessible or whether there will be accessible transportation available during an emergency, it is difficult for people with disabilities to develop a sufficient personal emergency plan.”

“Because people with disabilities have *diverse communication needs* — for example, those who are blind may require Braille or oral communication and those who are deaf may require visual communication or translation into American Sign Language — reaching people with special needs often requires the use of multiple modes of communication.”



General Planning: Our Recommended Remedies

- ✓ OEM should have a *highly placed individual* responsible for ADA compliance in emergency planning and disaster response.
- ✓ As the agency responsible for coordinating during emergencies and disasters, OEM should be work with each City agency that has a role in response on its plans.
- ✓ OEM should coordinate with critical non-City agencies, such as power companies and pharmacies, to ensure backup planning and response. For example, appropriate generators available in case of power outages; methods of getting prescription medications to people who are sheltering in place and cannot get to pharmacies.
- ✓ *All City agencies* must incorporate the needs of people with disabilities as they plan their response to emergencies/disasters.
- ✓ OEM must be directed to *review those plans and point out gaps and solutions*.



High Rise Evacuation: Our Recommended Remedies

- ✓ OEM must use *publicly available federal and City data* to locate people with disabilities in evacuation zones in order to plan for shelters, transportation, and evacuation.
- ✓ Residential *multi-story buildings must have evacuation chairs* and regular staff training, in particular for public housing personnel, for evacuation procedures.
- ✓ City agencies must have *protocols that provide for transportation* of wheelchairs, home health aides, and service animals.



Transportation: Our Recommended Remedies

- ✓ OEM must do a *survey to determine whether sufficient accessible transportation will be available in a disaster and should maintain an inventory of accessible transportation* available in the city and state to deploy when necessary.
- ✓ OEM must *develop agreements* with transportation companies with accessible vehicles, including but not limited to taxi, paratransit and ambulette companies, to ensure their availability during emergencies / disasters for people with disabilities living in the community.
- ✓ City must resume accessible transportation after an event as soon as public transportation is operating and all accessible transportation should remain active and deployed as long as public transportation is open.
- ✓ OEM must require that *all transportation services* deployed during disasters have dispatch plans that account for *multiple accessible evacuations* in affected areas.
- ✓ The City must publicize the fact that buses will be deployed as part of evacuation plans and that *accessible seats* will be available to people with disabilities.
- ✓ Bus drivers must be instructed to *ensure that is room* for passengers with wheelchairs.
- ✓ Emergency bus drivers must be *trained to operate the bus lift*.



Canvassing: Our Recommended Remedies

- ✓The City *must have a canvassing plan* that deploys and coordinates canvassers immediately after an event.
- ✓The City must have a *plan to notify people with disabilities who depend upon electricity* in advance of the power being turned off, with enough notice for them to evacuate and the means to do so, e.g. elevators, transportation.
- ✓OEM must *develop and coordinate plans for canvassers* transferring needs information immediately to appropriate rescue/assistive agencies so that volunteer agencies can help in a timely and efficient way – OEM should coordinate this effort.
- ✓The City must have a plan for *directing the provision* of prescription medication, dialysis, mental and behavioral health and other assistance to people with disabilities in the event of an emergency.



Shelter & Evacuation Center Programmatic Accessibility: Our Recommended Remedies

- ✓ There must be a plan for Shelter/Evacuation Center Accessibility that includes physical sites, communications access, programmatic access and training.
- ✓ Shelter/Evacuation Centers must be accessible.
- ✓ Formal surveys of Shelter/Evacuation Centers must be completed, including all aspects of shelter sites and operations.
- ✓ Shelter/Evacuation Centers must have accessible communications including signage.
- ✓ Shelter/Evacuation Centers should have back-up power and recharging sites for people who need to recharge durable medical equipment.
- ✓ A schematic should be done for each shelter that includes where people with disabilities can power their equipment, where food, accessible bathrooms, refrigeration, etc., are located.
- ✓ Shelter/Evacuation Centers must have checklists for operation.
- ✓ Shelter/Evacuation Center staff must be trained.



Communications: Our Recommended Remedies

- ✓ There must be a plan for accessible communications.
- ✓ Communications must be in accessible formats.
- ✓ ASL interpretation must be available.
- ✓ Web-based emergency information must be accessible.
- ✓ Information must be available about shelter accessibility, access to transportation and other necessary topics, including “how tos.”
- ✓ Helpline operators must be trained to communicate with people with disabilities.
- ✓ Captioning must be available.
- ✓ Interpreters must be used for announcements.



Does Emergency Planning Matter for People with Disabilities?

“Disasters are always inclusive. Response and recovery are not, ---unless we plan for it.” (i)

(i) June Isaacson Kailes, MSW, Harris Family Center for Disability and Health Policy at Western University of the Health Sciences.